

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on June 12, 2007, and the references cited therewith.

Claims 1, 4, 13, 19, and 22 are amended, and no claims are canceled or added; as a result, claims 1-28 are now pending in this application.

#### **§ 103 Rejection of the Claims**

Claims 1, 2, 4-7, 9-13, 15-17 and 19-28 were rejected under 35 USC § 103(a) as being unpatentable over Pitroda (U.S. Patent No. 5,884,271) in view of Benton (U.S. Patent No. 4,454,414). Applicant respectfully traverses the rejection as follows.

Applicant's independent claim 1, as currently amended, presently recites:

a memory within the card and coupled to the processor, wherein the memory includes for a user a variety of user information including social security number, driver license information, and bank account information;

\* \* \*

program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card.

The Examiner stated on page 3 of the Final Office Action mailed June 12, 2007, that "Pitroda fails to teach program instructions storable in the memory and executable by the processor to selectably modify the variety of user information, including updating, editing and deleting, based on user input directly to the card." Applicant respectfully submits that the Benton reference also does not describe, teach, or suggest each and every element and limitation of independent claim 1, as currently amended, either individually or in combination with the Pitroda reference.

The Benton reference appears to describe "an electronic funds transfer system including portable, funds transfer modules that employ optical coupling for data exchange" that can be "retrofitted to external electronic funds transfer equipment, such

as (ATM).” (Col. 2, lines 16-20). The Examiner cites column 7, lines 20-37, of the Benton reference as teaching “updating the variety of user information based on user input directly to the card,” “editing the variety of user information based on user input directly to the card,” and “deleting the variety of user information based on user input directly to the card.” (Page 4 of the Final Office Action, and the Response to Arguments section). However, for example, the Benton reference states, “a decrementing mode, loaded by a financial institution” (col. 7, lines 20-21), “an insurance company will apply credit to the account stored in memory” (col. 7, lines 29-30), and “food stamps, wherein credits are unloaded from the module by food retailers” (col. 7, lines 33-34).

Hence, modifying user information in the Benton reference appears to rely on actions performed by an ATM, a financial institution, an insurance company, and a food retailer making adjustments to an account’s monetary and/or credit balance. In contrast, as recited in Applicant’s independent claim 1, as currently amended, program instructions stored in the memory and executed by the processor can “selectably modify the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card”, where the variety of user information includes “social security number, driver license information, and bank account information”.

Notably, selectably modifying bank account information, as defined in the specification of the present application, is not limited to an ability to adjust the account’s monetary and/or credit balance. For instance, the specification recites on page 22, lines 14-20:

For example, a user can execute program instruction embodiments by selecting a file menu on a touch sensitive display screen, e.g., 280, and/or selecting keys on the user input cluster, e.g., 230, to indicate a type of user information to be entered as well as select a location to store such user information, e.g., a government record file 325, a contact record file 326 an identification record file 328, a banking record file 330, a medical record file 332, etc., as described in connection with Figure 3A.

As indicated by the types of user information files listed in conjunction with the banking record file, the user information to be entered and stored need not include modifying types of information exemplified by an accounts' monetary and/or credit balances. For example, the specification recites, "a user may choose to maintain various bank account numbers, passwords and/or identifiers in the local memory". (Page 14, lines 30-31). In addition, as recited on page 25, lines 6-13:

As one of ordinary skill in the art will appreciate upon reading this disclosure, this functionality provides the information card user with wide latitude to manage many diverse pieces of user information of various sensitivity levels, e.g., contact lists, tax records, account information, etc., from a single card. And the ability to update the variety of user information stored on the card based on user input allows the user to manage what information is stored on the card in consideration of available memory resources thereon.

A number of other locations in the specification recite modification by a user of the user's bank account information (e.g., an account number) in conjunction with modification other user information, for example: page 12, lines 20-25; page 13, lines 17-22; page 15, lines 10-14; page 22, lines 25-33; page 23, lines 12-17; page 23, line 32, through page 24, line 6; and page 24, lines 8-30. Applicant respectfully submits that grouping the variety of user information as such is incompatible with limiting modification of "bank account information" to "updating, editing, and deleting", as recited in independent claim 1, related to an account's monetary and/or credit balances.

In contrast, the Benton reference appears to describe a module in which a user can actuate switches (e.g., "tracks") to enable different accounts (e.g., different sources of funds and/or different users). The different accounts can be credited or debited based on the type of account and transactions with particular entities, e.g., ATMs, financial institutions, insurance companies, and food retailers. However, the different accounts of the Benton reference each appear to involve adjusting the account's available monetary and/or credit balance, rather than "selectably modify the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card", as recited in independent claim 1, as currently amended.

Applicant's independent claim 4, as currently amended, presently recites:

a memory within the card and coupled to the processor, wherein the memory includes for a user a variety of user information including social security number, driver license information, and bank account information;

\* \* \*

program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card;

Independent claim 13, as currently amended, presently recites:

a memory within the card and coupled to the processor, wherein the memory includes for a user a variety of user information including a social security number, a driver license record, a bank account record, a membership identification, a password, a government record, and a medical record;

\* \* \*

program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card.

Independent claim 19, as currently amended, presently recites:

storing for a user a variety of user information including a social security number, a driver license record, a bank account record, a membership identification, a password, a government record, and a medical record in a memory on the card;

\* \* \*

selectably modifying the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card.

In addition, independent claim 22, as currently amended, presently recites:

storing for a user a variety of user information including a social security number, a driver license record, a bank account record, a membership identification, a password, a government record, and a medical record in a memory on the information card;

\* \* \*

selectably modifying the variety of user information, including updating, editing, and deleting, based on instructions from the user input directly to the card.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 4, 13, 19, and 22, as currently amended, is not described, taught, or suggested in the Pitroda and Benton references, either independently or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 1, 4, 13, 19, and 22, as currently amended, as well as those claims that depend therefrom.

Claims 3, 8 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Pitroda in view of Benton as applied to claims 1, 4 and 13 above and further in view of Baratelli (U.S. Patent No. 6,325,285). Applicant respectfully traverses the rejection as follows.

Claims 3, 8, and 18 depend from independent claims 1, 4, and 13, respectively. Applicant respectfully submits that independent claims 1, 4, and 13, as currently amended, are in condition for allowance. From Applicant's review of the Baratelli reference, the reference does not cure the deficiencies of the Pitroda and Benton references. That is, Baratelli does not describe, teach, or suggest, "program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, editing, and deleting, based on instructions from the user input directly to the card", as recited in independent claims 1, 4, and 13, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 3, 8, and 18.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Pitroda in view of Benton as applied to claim 13 above and further in view of Gangi

(U.S. Patent No. 6,293,462) and Hasegawa (U.S. Patent No. 5,055,662). Applicant respectfully traverses the rejection as follows.

Claim 14 depends from independent claim 13. Applicant respectfully submits that independent claim 13, as currently amended, is in condition for allowance. From Applicant's review of the Gangi and Hasegawa references, the references do not cure the deficiencies of the Pitroda and Benton references. That is, Gangi and Hasegawa do not describe, teach, or suggest, "program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, editing, and deleting, based on instructions from the user input directly to the card", as recited in independent claim 13, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 14.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Karl E. Bring at (970) 898-7244.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **RCE** Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 13<sup>th</sup> day of August, 2007.

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